

AMENDED IN ASSEMBLY JUNE 1, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 917

Introduced by Assembly Member Salas

February 22, 2007

An act to amend Sections 14299, 19251, and 19252 of, and to add Sections ~~13290, 14300, 14300~~ and 19255 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 917, as amended, Salas. Elections.

~~(1) Existing law provides for the ordering of offices on election ballots and requires that each office appearing on the ballot be listed under a designated heading. Existing law regulates the use of direct recording electronic voting systems.~~

~~This bill would provide that, for direct recording electronic voting systems, no contests under separate headings may appear on the same page, except for review screens and the printed paper record copy.~~

~~(2)~~

~~(1) Existing law provides that if a precinct board is unable to furnish a ballot to a qualified voter on election day because of insufficient number of ballots at the precinct, the county elections official is required to deliver additional ballots to the precinct in order to allow voting by 10:00 p.m.~~

~~This bill would instead require that additional ballots be delivered within 2 hours. The bill would *also* require the precinct board to give waiting voters the option to vote immediately by a provisional ballot, or by some other means specified by the county elections official if there~~

~~are insufficient provisional ballots of casting their vote immediately using an alternative procedure established prior to the election.~~

~~(3)~~

(2) Existing law regulates generally the issuing of ballots on election day as well as the use of direct recording electronic voting systems.

This bill would, *in the case of an election for a state or federal office*, require that ~~a~~ *each* polling place using a direct recording electronic voting system also be provided by the county elections official with a supply of paper ballots, which may include provisional ballots, equivalent to ~~_____~~ *% specified percentages* of the registered voters in the precinct *for statewide direct primary and general elections*. The county elections official would be required to establish procedures for the use of the paper ballots if the direct recording electronic voting system becomes nonfunctional, and the precinct board would be required to allow a voter to vote by paper ballot rather than the electronic system if the voter so chooses and there are sufficient paper ballots available. *The bill would also require that any vote cast on a provisional ballot subject to these provisions by an otherwise qualified voter be counted as a regular ballot.*

This bill would require the Secretary of State, for each statewide election, to conduct parallel monitoring, as defined, of each direct recording electronic voting system in use on election day and to make the results of the parallel monitoring available prior to the certification of the election.

~~(4)~~

(3) Existing law prohibits expenditure of moneys from the General Fund for direct recording electronic voting systems.

This bill would delete this restriction.

~~(5) By changing~~

(4) *By increasing* the duties of county elections officials, the bill would impose a state-mandated local program.

~~The~~

(5) *The* California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that, while
2 new voting technologies hold great promise, changes in the law
3 are necessary to ensure elections remain secure, accurate, and
4 reliable.

5 ~~SEC. 2. Section 13290 is added to the Elections Code, to read:~~
6 ~~13290. (a) For a direct recording electronic voting system, as~~
7 ~~defined by Section 19251, no contests under separate headings, as~~
8 ~~defined by Section 13109, shall appear on the same page.~~

9 ~~(b) This section shall not apply to any review screen after the~~
10 ~~voter has made his or her initial selections or to the paper record~~
11 ~~copy, as defined by Section 19251.~~

12 ~~SEC. 3.~~

13 SEC. 2. Section 14299 of the Elections Code is amended to
14 read:

15 14299. (a) If a precinct board is unable to furnish a ballot to
16 a qualified voter because there is an insufficient number of ballots
17 at the precinct, the elections official shall deliver to the precinct
18 additional ballots to ensure that all eligible voters can cast their
19 ballots within two hours.

20 (b) While awaiting the delivery of additional ballots, the precinct
21 board shall provide each voter with the option of casting a
22 ~~provisional ballot immediately~~ *his or her vote immediately using*
23 *an alternative procedure established prior to the election* or waiting
24 for the delivery of the additional ballots.

25 ~~(c) If the precinct board is unable to furnish a provisional ballot~~
26 ~~because there is an insufficient number at the precinct, the elections~~
27 ~~official shall establish procedures providing voters the option of~~
28 ~~casting a provisional vote immediately using some other method~~
29 ~~or waiting for the delivery of additional ballots.~~

30 ~~SEC. 4.~~

31 SEC. 3. Section 14300 is added to the Elections Code, to read:

32 14300. (a) ~~For a~~ *In the case of an election for a state or federal*
33 *office, each* polling place using a direct recording electronic voting
34 system, as defined by Section 19251, the elections official shall

1 provide paper ballots equivalent to _____ percent of the registered
2 voters in the precinct. the following percentages:

3 (1) For a statewide general election, no less than 10 percent of
4 the registered voters in the polling place.

5 (2) For a statewide direct primary election, for each partisan
6 ballot form for which at least 10 percent of the registered voters
7 in the polling place are eligible to request, no less than 5 percent
8 of the registered voters in the precinct eligible to request that ballot
9 form at the polling place. For nonpartisan voters, the total number
10 of paper ballots among all ballot forms that they are eligible to
11 request shall be no less than 5 percent of registered nonpartisan
12 voters at the polling place.

13 (3) For any other state or federal election contest, no less than
14 5 percent of registered voters at the polling place.

15 (4) For purposes of this section, the number of registered voters
16 shall be based on the registration on the 88th day prior to the day
17 of the election.

18 (b) The elections official shall establish procedures for the use
19 of the paper ballots described in this section in the event the direct
20 recording electronic voting system becomes nonfunctional.

21 (c) Upon request, the precinct board shall provide a paper ballot
22 to a voter, regardless of the availability of the direct recording
23 electronic voting system, as long as supplies remain available.

24 (d) The paper ballots described in this section may consist of
25 provisional ballots.

26 (e) Any vote cast on a provisional ballot subject to this section
27 by an otherwise qualified voter shall be counted as a regular ballot.

28 ~~SEC. 5.~~

29 SEC. 4. Section 19251 of the Elections Code is amended to
30 read:

31 19251. For purposes of this article, the following terms shall
32 have the following meanings:

33 (a) “Accessible” means that the information provided on the
34 paper record copy from the voter verified paper audit trail
35 mechanism is provided or conveyed to voters via both a visual and
36 a nonvisual method, such as through an audio component.

37 (b) “Direct recording electronic voting system” means a voting
38 system that records a vote electronically and does not require or
39 permit the voter to record his or her vote directly onto a tangible
40 ballot.

1 (c) “Voter verified paper audit trail” means a component of a
2 direct recording electronic voting system that prints a
3 contemporaneous paper record copy of each electronic ballot and
4 allows each voter to confirm his or her selections before the voter
5 casts his or her ballot.

6 (d) “Federal qualification” means the system has been certified,
7 if applicable, by means of qualification testing by a Nationally
8 Recognized Test Laboratory and has met or exceeded the minimum
9 requirements set forth in the Performance and Text Standards for
10 Punch Card, Mark Sense, and Direct Recording Electronic Voting
11 Systems, or in any successor voluntary standard document,
12 developed and promulgated by the Federal Election Commission,
13 the Election Assistance Commission, or the National Institute of
14 Standards and Technology.

15 (e) “Paper record copy” means an auditable document printed
16 by a voter verified paper audit trail component that corresponds
17 to the voter’s electronic vote and lists the contests on the ballot
18 and the voter’s selections for those contests. A paper record copy
19 is not a ballot.

20 (f) “Parallel monitoring” means the testing of a randomly
21 selected sampling of voting equipment on election day designed
22 to simulate actual election conditions to confirm that the system
23 is registering votes accurately.

24 ~~SEC. 6.~~

25 *SEC. 5.* Section 19252 of the Elections Code is amended to
26 read:

27 19252. To the extent that they are available for expenditure
28 for the purposes of this article, federal funds or moneys from the
29 Voting Modernization Fund, created pursuant to subdivision (b)
30 of Section 19234, shall be used.

31 ~~SEC. 7.~~

32 *SEC. 6.* Section 19255 is added to the Elections Code, to read:

33 19255. (a) For each statewide election, the Secretary of State
34 shall conduct parallel monitoring of each direct recording electronic
35 voting system on which ballots will be cast.

36 (b) The results of the parallel monitoring shall be made available
37 prior to the certification of the election.

38 ~~SEC. 8.~~

39 *SEC. 7.* If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.